1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 CENTRAL DISTRICT OF CALIFORNIA 8 9 Case No. CV 11-1393 AG (JCG) LUIS GARCIA. 10 Petitioner, ORDER ADOPTING REPORT AND 11 v. 12 ANTHONY HEDGPETH, Warden. APPEALABILITY 13 Respondent. 14 15 16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the 17 records herein, and the Report and Recommendation of the United States Magistrate 18 Judge. No objections to the Report and Recommendation have been filed. The 19 Court approves and adopts the Magistrate Judge's Report and Recommendation. 20 Additionally, for the reasons stated in the Report and Recommendation, the 21 Court finds that Petitioner has not shown that jurists of reason would find it 22 debatable whether the Court was correct in its procedural ruling. As a result, a 23 Certificate of Appealability ("COA") is denied. See Slack v. McDaniel, 529 U.S. 24 473, 484 (2000) (holding that when a court dismisses a petition on procedural 25 grounds, a COA should issue only when a "prisoner shows, at least, that jurists of 26 reason would find it debatable whether the petition states a valid claim of the denial 27

of a constitutional right and that jurists of reason would find it debatable whether the

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1	district cour	rt was correct in its procedural ruling[]") (emphasis added).
2	Acco	ordingly, IT IS ORDERED THAT:
3	1.	Judgment shall be entered dismissing the action with prejudice.
4	2.	The Clerk shall serve copies of this Order and the Judgment herein on
5	the parties.	
6	3.	A Certificate of Appealability is denied.
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9	DATED: Ju	nne 21, 2011.
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12		HON. ANDREW J. GUILFORD UNITED STATES DISTRICT JUDGE
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